



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 27, 1992

Mr. Robert F. Brown
Vial, Hamilton, Koch & Knox
1717 Main Street, Suite 4400
Dallas, Texas 75201

OR92-629

Dear Mr. Brown:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 17424.

The City of Cockrell Hill, which you represent, has received a request for "all information pertaining to the Texas Ranger investigation of the shooting of [Police Lieutenant] Shahriar Shahi," which occurred August 4, 1992. You have submitted to us for review a Department of Public Safety investigation report. You claim that this information is excepted from required public disclosure by Open Records Act sections 3(a)(1), 3(a)(3), and 3(a)(8).

Section 3(a)(8) of the act excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

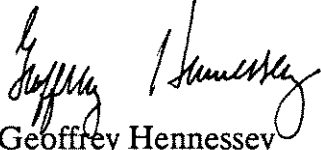
Where an incident involving allegedly criminal activity is still under active investigation or prosecution, section 3(a)(8) may be invoked by any proper custodian of information which relates to the incident. Open Records Decision No. 474 (1987) at 4-5.

You advise us that the requested information relates to pending criminal prosecution. We have examined the documents submitted to us for review and conclude that, with the exception of information specifically held to be public in

Houston Chronicle Pub. Co. v. City of Houston, 531 S.W.2d 177, 185 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), the requested information may be withheld under section 3(a)(8). As we resolve this matter under section 3(a)(8), we need not address sections 3(a)(1) and 3(a)(3).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-629.

Yours very truly,


Geoffrey Hennessey
Assistant Attorney General
Opinion Committee

GH/GCK/lmm

Ref.: ID# 17424

cc: Ms. Shelley Koffler
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